

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.)
)
) **CRIMINAL NO. 2:05-CR-119-MEF**
DON EUGENE SIEGELMAN,)
PAUL MICHAEL HAMRICK,)
GARY MACK ROBERTS, and)
RICHARD M. SCRUSHY)

UNITED STATES' PROPOSED JURY QUESTIONNAIRE QUESTIONS

COMES NOW the United States of America, by and through Louis V. Franklin, Sr., Acting United States Attorney for the Middle District of Alabama, and Andrew C. Lourie, Acting Chief of the Public Integrity Section of the Criminal Division of the United States Department of Justice, and hereby files its Proposed Jury Questionnaire Questions (hereinafter, the "Proposed Questions"). The United States files the Proposed Questions pursuant to this Court's Scheduling Order of January 23, 2006. The United States respectfully requests the Court to include the Proposed Questions in the questionnaire sent to the prospective venire for this case. The Proposed Questions will aid the Court in selecting an impartial and fair jury in the upcoming trial.

PROPOSED QUESTIONS

1. The judge is going to instruct you that jurors are to make determinations of fact and are to act as judges of the facts based on what they see and hear presented in the course of a trial. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge and then base your decisions solely on the evidence presented to you in the courtroom?

Yes _____ No _____

2. The judge is going to instruct you that jurors are not to be influenced by anything that they see or hear outside the courtroom, such as television, newspaper, or Internet coverage or office or street talk. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge and then base your decisions solely on the evidence presented to you in the courtroom?

Yes _____ No _____

3. The judge is going to instruct you that some witnesses in this case may be law enforcement officers and government officials. The credibility of these witnesses is to be judged by the same standards as any other witness. Their testimony is not entitled to any greater or lesser weight simply because they are involved in law enforcement or are government officials. When the judge instructs you that this is the law, do you agree that you will follow this instruction and then base your decisions about the credibility of each witness solely on your independent assessment of that witness at trial?

Yes _____ No _____

4. The judge is going to instruct you that you should keep an open mind and should not form or state any opinion about the case one way or the other until you have heard all of the evidence and have had the benefit of the closing arguments of the lawyers as well as the judge's instructions to you on the applicable law. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge?

Yes _____ No _____

5. The judge is going to instruct you that an indictment in a criminal case is merely the accusatory paper which states the charge or charges to be determined at trial, but it is not evidence against the defendants or anyone else. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge and then base your decisions solely on the evidence presented to you in the courtroom?

Yes _____ No _____

6. The judge is going to instruct you that the defendants have entered pleas of "not guilty" and are presumed by the law to be innocent and that the Government has the burden of proving a defendant guilty beyond a reasonable doubt, and if it fails to do so you must find that defendant not guilty. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge?

Yes _____ No _____

7. The judge is going to instruct you that if you are selected as a juror in this case, you must make your decisions only on the basis of the testimony and other evidence presented during the trial; and you must not be influenced in any way by either sympathy or prejudice for or against any defendant or the Government. When the judge instructs you that this is the law, do you agree that you will follow the instruction of the judge and then base your decisions solely on the evidence presented to you in the courtroom?

Yes _____ No _____

Respectfully submitted this the 10th day of March, 2006.

LOUIS V. FRANKLIN, SR.
ACTING UNITED STATES ATTORNEY

/s/ Louis V. Franklin, Sr.
Acting United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7560
Email: louis.franklin@usdoj.gov

/s/ J.B. Perrine
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
[Email: jb.perrine@usdoj.gov](mailto:jb.perrine@usdoj.gov)
ASB-9077-E31J

/s/ Jennifer Garrett
Special Assistant United States Attorney
Assistant Attorney General
Office the Attorney General
11 S. Union
Montgomery, AL 36130
Phone: (334)353-8494
Fax: (334)242-4890
[Email: jgarrett@ago.state.al.us](mailto:jgarrett@ago.state.al.us)
ASB-4600-T77J

/s/ Stephen P. Feaga
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7560
Email: steve.feaga@usdoj.gov
ASB-7374A60S

ANDREW C. LOURIE
ACTING CHIEF, PUBLIC INTEGRITY
SECTION

/s/Richard C. Pilger
Department of Justice, Criminal Division
Public Integrity Section
10th & Constitution Ave, NW
Bond Building - 12th Floor
Washington, DC 20530
Phone: (202)514-1412
Fax: (202)514-3003
Email: richard.pilger@usdoj.gov

/s/ Joseph L. Fitzpatrick, Jr. Special Assistant
United States Attorney
Assistant Attorney General
Office of the Attorney General
11 S. Union
Montgomery, AL 36130
Phone: (334)353-4839
Fax: (334)242-4890
Email: j.fitzpatrick@ago.al.state.us

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 2:05-CR-119-MEF
DON EUGENE SIEGELMAN,)	
PAUL MICHAEL HAMRICK,)	
GARY MACK ROBERTS, and)	
RICHARD M. SCRUSHY)	

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

LOUIS V. FRANKLIN, SR.
ACTING UNITED STATES ATTORNEY

/s/ J.B. Perrine
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
[Email: jb.perrine@usdoj.gov](mailto:jb.perrine@usdoj.gov)
ASB-9077-E31J